

Appl. No. 10/754,251
Amdt. dated July 5, 2005
Reply to Office action of May 4, 2005

REMARKS/ARGUMENTS

Applicant elects, with traverse, the invention of Group I (claims 1, 3-13, 15-19, 21, 22, 34-39, 41, 42 44-46, and 49-53). It is noted that many of the claims of the present application, including non-elected claims 14 and 40, were substantially copied from McGeer, U.S. Patent No. 6,264,140 for the purpose of provoking an interference with that patent. It is believed that, since the Examiner has prior to the first action on the merits of the present application made a comprehensive search of all of claims 1-46, and since those same claims have previously been searched and granted in the McGeer patent, the need for restriction is not present, despite the relationship of the claims as process and apparatus for its practice. The Office is not under an obligation to require restriction, and in the present situation requiring restriction will simply result in duplication of effort for the Office and for applicant. Further, it is not clear to applicant whether the Office will feel it is necessary, in view of the amendments to the claims which make the revised claims patentable over the earlier prior art, to declare an interference with the McGeer patent. If restriction is required and an interference declared, applicant will be required to file yet another application copying claims of the McGeer patent and modifying them to make them patentable over the earlier prior art. This will result in substantially more work for applicant, the Examiner, and the Board of Patent Appeals and Interferences.

Appl. No. 10/754,251
Amdt. dated July 5, 2005
Reply to Office action of May 4, 2005

It is further believed that previously presented claims 47-53 are so similar to other claims already searched by the Examiner that their inclusion in a single application would not require further search or otherwise cause undue hardship.

For all of the foregoing reasons, the Examiner is requested to withdraw the requirement for restriction.

The Examiner has further required, upon election of a Group, election of certain species if no generic claim is finally held allowable. In response to paragraph 7, applicant elects (a) the species of Figure 5 (capture by a single line, rather than a net). It is believed that claims 1, 3-13, 15-19, 21, 22, 34-39, 41, 42, 44-46, and 49-53 are readable on this species. It is noted that claim 8, although calling for multiple arrestment lines, is not limited to a net structure as in the embodiment of Figure 18 and could include, for example the embodiment of Figures 27 and 28. Should the method claims be reinstated, claims 14, 25-32, 40, 47, and 48 are readable thereon.

In response to paragraph 8, this paragraph appears to relate to the method claims only, and therefore no election should be required if the requirement for election of a Group is maintained. Should it be directed to product claims, or should the method claims be reinstated, applicant elects (e) the species of Figures 27 and 28. It is believed that, if this requirement also relates to product claims, then product claims 1, 3-9, 12-13, 15-19, 21, 22, 34-39, 41, 42, 44-46, and 49-53 and method claims 14, 25-32, 40, 47, and 48 are readable on this species.

Appl. No. 10/754,251
Amdt. dated July 5, 2005
Reply to Office action of May 4, 2005

In response to paragraph 9, applicant notes that this requirement appears to be based on the language copied from the McGeer patent claims ("in a generally vertical orientation, or otherwise in an orientation which includes a component normal to the flight path"). Applicant has removed the first part of this quasi-alternative language; should a further restriction be required, applicant elects the broader language, rather than the subset of "vertical or normal orientation." It is believed that product claims 1, 3-13, 15-19, 21, 22, 34-39, 41, 42, 44-46, and 49-53 and method claims 14, 25-32, 40, 47, and 48 are readable on this species.

In response to paragraph 10, applicant again notes that the phraseology "linear or curvilinear" comes from the claims of the McGeer patent; the term "curvilinear", which is a subset of the term "linear", has been removed. It is believed that product claims 1, 3-13, 15-19, 21, 22, 34-39, 41, 42, 44-46, and 49-53 and method claims 14, 25-32, 40, 47, and 48 are readable on this species.

Conclusion

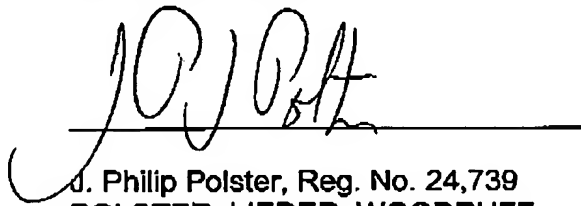
It is believed that the foregoing is a complete response to the requirement for restriction, and all of the claims as now amended are believed to define an invention which is neither shown nor suggested by the prior art. It is therefore requested that the

Appl. No. 10/754,251
Amdt. dated July 5, 2005
Reply to Office action of May 4, 2005

case be passed to issue. Should the examiner have any questions or suggestions, he
is urged to call applicant's undersigned attorney at 314-238-2426.

Respectfully submitted,

Date: July 5, 2005



J. Philip Polster, Reg. No. 24,739
POLSTER, LIEDER, WOODRUFF
& LUCCHESI, L.C.
12412 Powerscourt Drive
St. Louis, MO 63131
(314) 238-2400
(314) 238-2401 (fax)